

12-26-06

1/16/07



Attorney Docket No.: 6809.230-US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Igor Gonda et al. Confirmation No.: 6533

Application No.: 10/768,371 Group Art Unit: 3743

Filed: January 30, 2004 Examiner: Lewis, Aaron J.

For: A Method Of Treating Diabetes Mellitus In A Patient

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with 37 C.F.R. 1.56, 1.97 and 1.98, Applicants submit herewith references which they believe may be material to the patentability of this application and with respect to which there may be a duty to disclose in accordance with 37 C.F.R. 1.56.

Applicants' attorney wishes to make the Examiner aware of the following co-pending applications which may be related to the instant application: 09/848774, 10/768371, 11/130986, 11/284579, 11/345061, and PCTUS94/01000. Applicants' attorney also notes that application Serial No. 09/848774 was appealed to the board of appeals and that a decision was rendered on September 7, 2006 affirming the Examiner's rejection of the pending claims and that that decision is the basis of a civil action pursuant to 35 USC 145, which was filed on November 7, 2006 in the United States District Court for the District of Columbia.

While the references may be "material" under 37 C.F.R. 1.56, it is not intended to constitute an admission that the references are "prior art" unless specifically designated as such.

The filing of this Information Disclosure Statement shall not be construed as a representation that no other material references than those listed exist or that a search has been conducted.

The references are listed in Form PTO-1449 which is in accordance with the requirements of M.P.E.P. 609. A copy of the International Patent references and article references is also enclosed. US Patent references are available at the United States Patent and Trademark Office.

The references are as follows:

1. Novo Nordisk A/S vs. Pfizer Oral Hearing Transcript (December 4, 2006)
2. Declaration of Ronald G. Crystal, M.D. (July 31, 2006)
3. Declaration of Dr. Igor Gonda (July 24, 2006)
4. Reply Declaration of Ronald G. Crystal, M.D. (November 22, 2006)
5. Declaration of Joseph D. Brain, S.D. in HYG (November 2, 2006)
6. Novo Nordisk A/S vs. Pfizer Memorandum & Order (December 14, 2006)

It is respectfully requested that these references be considered by the Patent and Trademark Office in its examination of the above-identified application and be made of record therein. The Examiner is also invited to contact the Undersigned if there are any questions concerning this paper or the attached references.

This information disclosure statement is being filed **after** the period set forth in 37 C.F.R. 1.97(b), but **before** the mailing date of any of a final action, a notice of allowance, or an action that otherwise closes prosecution.

Accompanying this information disclosure statement is the fee set forth in 37 C.F.R. § 1.17(p) (currently \$180.00). The Examiner is hereby authorized to charge Deposit Account No. 14-1447 in the amount of \$180.00. A duplicate of this charge directive is attached.

Respectfully submitted,

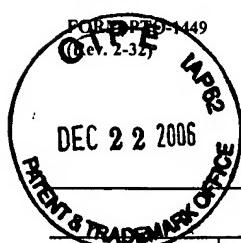
Date: December 22, 2006



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PATENT TRADEMARK OFFICE



U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	Atty. Docket No. 6809.230-US	Serial No. 10/768,371
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)	Applicant Igor Gonda et al.	
	Filing Date January 30, 2004	Group 3761

U.S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



DEC 22 2006

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CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

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P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I hereby certify that the attached correspondence comprising:

1. Information Disclosure Statement
2. Form PTO-1449
3. Copy of References (6)

is being sent by Express Mail Label No. EV 367692669 US to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on **December 22, 2006**

Csaba Attila Szakolczai
(name of person mailing paper)

/Csaba Attila Szakolczai/
(signature of person mailing paper)